

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CHRISTOPHER CONDRON,

Defendant

CRIMINAL No. 17-CR-10243-IT

RESPONSE TO DEFENDANT'S EMERGENCY MOTION OF DEMONSTRABLE  
INNOCENCE

The United States of America, by Rachael S. Rollins, United States Attorney, and Elysa Wan and Neil Gallagher, Assistant United States Attorneys for the District of Massachusetts, opposes to the defendant's motion, styled, Motion of Demonstrable Actual Innocence in Violation of the Constitution [Doc. No. 542].

The Defendant's motion is procedurally defective because the defendant's motions for acquittal under Federal Rule of Criminal Procedure 29 [Doc. Nos. 444 and 459] have already been denied by the Court [Doc. No. 502]. To the extent the defendant wishes to move the Court to vacate his sentence under 28 U.S.C. § 2255, that motion is not ripe because the defendant has not been sentenced yet.

In substance, the defendant's motion appears to argue that the \$32,161,522,760 preliminary construction cost estimate submitted with Ocean Wave Energy application number '4854 was not "grossly inflated" because that figure was meant to be divided among the 555 start-of-construction Ocean Wave Energy applications submitted by the defendant. But whether the cost estimate was for one application or 555 applications, there was ample evidence at trial

demonstrating that the Ocean Wave Energy applications were a fraudulent scheme aimed at obtaining grant funds rather than bona fide renewable energy projects supported by the Section 1603 grant program.

Respectfully submitted,

RACHAEL S. ROLLINS  
United States Attorney

By: /s/ Elysa Wan  
Elysa Q. Wan  
Neil Gallagher  
Assistant United States Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that Click and choose text from drop-down list filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants .

By: /s/ Elysa Wan  
Elysa Q. Wan  
Assistant United States Attorney

Date: October 24, 2022